

<div>CITY OF SAN JOSÉ, CALIFORNIA</div> <div>Department of Planning, Building and Code Enforcement</div> <div>801 North First Street, Room 400</div> <div>San José, California 95110-1795</div> <div>STAFF REPORT</div>	Hearing Date/Agenda Number P.C. 10/8/03 Item: 4.c.	
	File Number PDC 00-115	
	Application Type Planned Development Rezoning	
	Council District 3	
	Planning Area Central	SNI Area University
	Assessor's Parcel Number(s) 472-23-022	
PROJECT DESCRIPTION		
Completed by: John Davidson		
Location: West side of N. Eleventh Street, approximately 140 feet north of E. Margaret Street.		
Gross Acreage: 0.14 Net Acreage: 0.14 Net Density: 14.3 DU/AC		
Existing Zoning: R-M Multiple Residence Existing Use: vacant		
Proposed Zoning: A(PD) Planned Development Proposed Use: Demolition of an existing historic single-family residence and construction of up to 2 single-family attached dwelling units		
GENERAL PLAN		
Completed by: JED		
Land Use/Transportation Diagram Designation Medium Density Residential (8-16 DU/AC)		Project Conformance: [X]Yes [] No [] See Analysis and Recommendations
SURROUNDING LAND USES AND ZONING		
Completed by: JED		
North:	Duplex	R-M Multiple Residence
East:	Single-Family Residence	R-M Multiple Residence
South:	Apartments	R-M Multiple Residence
West:	Apartments	R-M Multiple Residence
ENVIRONMENTAL STATUS		
Completed by: JED		
<input type="checkbox"/> Environmental Impact Report certified <input type="checkbox"/> Negative Declaration circulated on <input type="checkbox"/> Negative Declaration adopted on		<input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Environmental Review Incomplete
FILE HISTORY		
Completed by: JED		
Annexation Title: Original City		Date: 3/27/1850
PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION		
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approval with Conditions <input type="checkbox"/> Denial	Date: _____	Approved by: _____ <input type="checkbox"/> Action <input type="checkbox"/> Recommendation
APPLICANT/OWNER		
Ray Ruiz Community Development Resources 807 Aldo Avenue, Suite 108 Santa Clara California 95054		

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: JED

Department of Public Works

See attached memo

Other Departments and Agencies

See attached memo from Fire Department

GENERAL CORRESPONDENCE

See attached letter dated September 1, 2001 from the Campus Community Association

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant is proposing a Planned Development Rezoning to allow up to 2 single-family attached units on a 0.14 gross acre site, located on the west side of S. Eleventh Street, approximately 140 feet north of E. Margaret Street. An early twentieth-century bungalow is located on the subject site, and is proposed for demolition.

Apartments are located to the south and west of the site, a duplex is located to the north and a single-family residence is located to the east.

The project consists of a pair of attached dwelling units facing South Eleventh Street. The existing historic residence would be demolished as a part of this proposal. The proposed units are all two-bedroom two-bathroom configurations, each with approximately 1,200 square feet of living area. Both units have a tandem two-car garage enclosed garage. A total of four parking spaces are provided, in conformance with Zoning Ordinance requirements. The R-M Residence zoning district cannot accommodate the proposed lotting pattern, with each unit of the pair on its own narrow, deep lot, or zero foot internal side setback, and therefore a Planned Development rezoning is needed.

The current proposal to demolish an historic home and construct two new units represents the refinement of a long-standing rezoning application, initially filed in 2000. The original project design for three townhouse units was heard by the Historic Landmarks Commission and Planning Commission in early 2003. Planning staff recommended denial of the 3-unit project based on the project's non-conformance with the allowed residential densities under the General Plan, and the 3-unit project's lack of conformance with the Residential Design Guidelines.

At the February 2003 hearing, the Planning Commission was unable to adopt a motion to approve or deny the three-unit project. Several Commissioners appreciated the applicant's plan to invest in the neighborhood, found the project design adequate, and offered a motion to approve the 3-unit project. However, other Commissioners felt options to preserve the structure should be explored, and did not find the project design worthy of application of the General Plan "2-Acre Rule" Discretionary Alternate Use Policy to allow 3 units. Unable to agree on the 3-unit project, the Planning Commission instead continued

the hearing to allow the applicant to either incorporate the existing residence into the plans or to propose a project of sufficient merit to warrant application of the “2-Acre Rule” to exceed the General Plan residential density applicable to the site. The applicant has responded, instead, by reducing the proposed units from three to two, bringing the project density in line with the site’s General Plan designation.

ENVIRONMENTAL REVIEW

This project was found to be exempt from environmental review under California Environmental Quality Act (CEQA) guidelines section 15303(b), which allows for exemptions from environmental review for small construction projects. Under this section of the CEQA guidelines, in urbanized areas up to six new dwelling units are considered to be exempt from environmental review.

As a part of the environmental review for this property, the applicant had a noise analysis performed. Two historic reports were prepared for the property; one by a consultant hired by the applicant, and a historic report prepared as a part of a larger survey of historic resources in the East Frame area of downtown.

Noise

The City of San Jose Noise Element in the General Plan utilizes the Day-Night Level (DNL) 24-hour noise descriptor to define community noise impacts, and specifies that exterior noise exposures at residential areas not exceed 60 dB DNL when the noise source is transportation related. In addition, interior noise exposures are not to exceed 45 dB DNL. The Noise Element also states that residential development in close proximity to major thoroughfares, in the Downtown Core Area, along railroads and in the vicinity of San Jose International Airport have noise exposures that may not be able to meet the noise standards in the time frame of the General Plan. For these cases, staff has supported 65 dB DNL as the near-term exterior noise standard.

The noise report found the existing noise environment is due primarily to vehicular traffic on S. Eleventh Street. The analysis found noise exposure excesses up to 70 dB DNL occur at the site and mitigation measures will be included in the project.

The project proposes thick sound-rated windows, noise attenuating building materials, and mechanical ventilation to provide the required 45 dB DNL interior living environment. Open space for the two units will be protected by the buildings themselves, and will be able to achieve exterior noise levels of 65 dB DNL.

Historic Analysis

The structure was evaluated for historic significance as a part of the Downtown East Frame Historic Resources Survey, completed by Architectural Resources Group (ARG). The historic report found that the building at 671 S. Eleventh Street was eligible for the City’s Historic Resources Inventory on the local level as a Structure of Merit. Potential historic resources are evaluated based on the style of the building, the quality of construction and maintenance, the building’s association with people or events of historical interest, and the surrounding context.

The structure does not qualify as a potential City Landmark or as a part of potential historic district, but the building does represent the pattern of residential development in the area from 1880 to 1930. The Historic Landmarks Commission placed the structure on the City’s Historic Resources Inventory as a Structure of Merit in April 2003.

Although the property is now listed on the City's Historic Resources Inventory as a Structure of Merit, demolition of the structure is not considered a significant environmental impact. Demolition of a historic structure is only considered a significant CEQA impact if the structure has been designated as a City Landmark or Candidate City Landmark, or is eligible for the National Register of Historic Places or California Register of Historic Resources. Therefore, though this project involves demolition of a building listed in the Historic Resources Inventory, it is not considered a significant impact under CEQA.

GENERAL PLAN CONFORMANCE

The two-unit proposal, at a net density of 14.3 DU/AC, conforms to the General Plan Land Use Designation of Medium Density Residential (8-16 DU/AC).

ANALYSIS

With the reduction of the number of units from three to two, the remaining issues are the demolition of the existing historic resource and conformance of the proposed project with the Residential Design Guidelines.

Demolition of the Existing Structure

Given the existing structure is listed on the San Jose Historic Resources Inventory, the project has been referred to the Historic Landmarks Commission for comment at the October 1, 2003 Commission meeting. Comments from the HLC will be forwarded on to the Planning Commission prior to the October 8, 2003 Planning Commission hearing.

The applicant explored incorporating the historic structure into a proposed duplex, with a new unit attached to the rear of the existing structure. However, one of the applicant's objectives is to develop a for-sale project, and they did not believe that a duplex design that incorporated the existing building was a viable for-sale arrangement. The applicant maintains that the existing structure does not lend itself to incorporation into a successful ownership development, given its position on the lot and its floor plan.

Instead, the applicant proposes a new paired dwelling, which in their opinion represents a more viable ownership housing type, in that apart from sharing a common internal wall, each unit exists on its own lot with independent parking, access, and open space. Staff is supportive of ownership housing projects, and agrees a paired dwelling design is a more viable for-sale arrangement than incorporating the existing structure.

Conformance with the Residential Design Guidelines

Setbacks

The project proposes a 25-foot front setback, 5-foot side setbacks, and a 38-foot rear yard setback, all of which meet or exceed the residential design guidelines standards for paired dwellings and Zoning Ordinance requirements for the R-M Multiple Residence Zoning District. These setbacks will also meet or exceed existing neighborhood setbacks.

Open Space

Each unit will have an 890 square foot rear yard with a 23-foot minimum dimension, where a 600 square foot private open space (with a 20-foot minimum dimension) is required for conformance to the Residential Design Guidelines.

Parking

Each unit in the proposed project has two covered parking spaces, in conformance with the Residential Design Guidelines and Zoning Ordinance requirements for paired dwellings. The project does not provide off-lot parking, but guests will be able to park in the proposed driveway aprons, 25 feet in length.

Architecture

The paired units are two stories and 28 feet in height and feature shingle and horizontal siding. Hipped roofs are proposed, with shed-roofed dormer elements, finished with composition shingles. The building height and proposed style and detailing are consistent with existing structures in the neighborhood.

The Residential Design Guidelines indicate that that paired dwellings should have no more than 50% of the building frontage devoted to garage fronts. In this case, the two garage doors account for 22 feet out of the 31.5 width of the building, or approximately 70% of the front elevation. It is important to recognize, however, that the developer is constrained by the width of the lot, and the required width for garage doors. The developer has minimized the total amount of garage frontage by proposing a tandem parking arrangement. In addition, the proposed building minimizes the impact of the garage doors on the front elevation through the use of a projecting covered porch element, a trellis over the garage doors and second floor bay windows that cantilever out over the garage.

In summary, the proposed paired dwelling substantially conforms to the Residential Design Guidelines, because it provides adequate parking, open space, and setbacks from adjacent properties, and the conceptual architecture is compatible with the character of the neighborhood. Although garage doors account for a majority of the front elevation, their presence is de-emphasized through the use of a number of projecting architectural elements.

COMMUNITY OUTREACH

A public hearing notice for the rezoning was published in a local newspaper and mailed to all property owners and tenants within 500 feet of the subject site.

RECOMMENDATION

Planning staff recommends the Planning Commission forward a recommendation of **approval** and the City Council **approve** the project for the following reasons:

1. The proposed rezoning conforms to the subject site's General Plan Land Use Diagram Designation of Medium Density Residential (8-16 DU/AC).
2. The project substantially conforms to the Residential Design Guidelines.
3. The proposed project includes significant relief and articulation, and proposes the use of high quality materials including wood shingle siding, wood beams and trim, and brick and stone accents.